

## AMENDMENTS TO THE DRAWINGS

Replacement sheets 1 and 2 with Figure 1 and Figure 2, now bearing the Legend “PRIOR ART” are submitted herewith in response to the objection raised in paragraph 4 of the Office Action.

## REMARKS

The Title has been amended to a new title “TV Broadcasting with Video Selection through Internet” that is clearly indicative of the invention to which the claims are directed, in compliance with the requirement in paragraph 1 of the Office Action.

The Applicant has checked the application for spelling or grammatical inconsistencies as recommended in paragraph 2 of the Office Action. Consequently, the specification has been amended at page 15 lines 15-16 and page 18, line 3 to remove minor inconsistencies.

By this amendment, claims 3, 7 and 8 have been amended. Claims 1-13 remain in the application.

Claim 3 has been amended to remove the typographical error indicated in paragraph 3 of the Office Action.

Claim 7 has been amended to specify the main authorization server as this element has already been introduced in claim 1.

Claim 8 has been amended to recite an authorization server as this element was not previously introduced in claim 8.

The objected-to informalities have all been addressed in the above-presented claim amendments. Withdrawal of this ground of objection is respectfully requested.

Objection 3 of the Office Action is not understood. According to the Applicant’s records and according to copies downloaded from PAIR, the specification as filed corresponds to that in the PCT procedure, wherein the Claims (numbers 1-13) were preceded by the indication “**CLAIMS**” which appears at the top of page 19 of the PCT specification which was a new page

for the Claims section in accordance with PCT Rule 11.4. The Applicant requests that this objection be withdrawn.

### **Drawings**

Replacement sheets 1 and 2 with Figure 1 and Figure 2, now bearing the Legend “PRIOR ART” are filed herewith in response to the objection raised in paragraph 4 of the Office Action.

Concerning the objection raised in paragraph 5 of the Office Action, the Applicant respectfully points out that Figures 5 and 6 are not duplicates.

The Examiner’s attention is drawn to the bottom part of Figure 5 which shows the Receiver/decoder 295 leading into the TV 150 which is separate from the PC 160.

On the other hand, the bottom part of Figure 6 shows the Receiver/decoder 295 leading directly into the PC 160.

Consequently, these two Figures illustrate two different embodiments so clearly are not redundant, and the Applicant respectfully requests that this ground of objection be withdrawn.

### **Claim rejections – 35 USC § 103.**

Claims 1-13 stand rejected under 35 USC § 103 as being unpatentable over US Patent No. 6,510,556 (“Kusaba”) in view of US Patent No. 6,564,380 (“Murphy”)

The Applicant respectfully traverses this objection for the following reasons.

The two cited patents have already been discussed on page 3 of the instant application, as follows:

Page 3, lines 7-12:

US Patent 6,510,556 discloses a video distributing apparatus for distributing stored video to a viewer, which includes a schedule table for holding a distribution schedule of the stored video data. A controller controls the deferred distribution of the stored video data. The user fills a reservation request including a title of the video, a channel for distribution of the video data selected by the user, and a designated later time to start the distribution. This system is unsuitable for live video.

Page 3, lines 2-4:

US patent 6,564,380 discloses an Internet-based video feed management system which includes access to video, including video-on-demand files, that are downloaded by a customer and delivered through the customer's website and delivery network.

The Applicant wishes to comment further on these citations, as follows.

In the Office Action, the features of Applicant's claim 1 are equated mainly with various elements taken from Kusaba's Figures. However, the equation is incomplete particularly when considering Applicants authorization server (300) (which is accessible via the Internet for a user to transmit user commands to select video contents that are to be displayed immediately or with a delay), in conjunction with the feature that the system is arranged to provide an indication of a channel that is available to broadcast a selected video content immediately or with a delay in correspondence with a user command.

In Kusaba, the user inputs a request that is made up of : the Title to be ordered; a channel to be used for the distribution; and a time to start the distribution. See for example the description col. 4, lines 57-63; col. 5, lines 24-27; and all claims, in particular, claim 1, col. 9, lines 27-30;

claim 6, col. 10, lines 11-13; claim 9, col. 10, lines 49-53.

Kusaba's system is described only for pre-recorded video and only for distribution/broadcast at future times.

Kusaba's system does not provide an indication of a channel that is available to broadcast a selected video content immediately or with a delay in correspondence with a user command that consisted of selection of the Title and a present or future broadcast time.

Kusaba's system works on a sort of "hit or miss" basis:

Col. 4, lines 44-48: ... "so long as the viewer sets the channel at the time which has already been reserved, he/she can monitor the video image of the desired title in a form that takes advantage of the reservation".

Col. 4, lines 64 – col. 5 line 9: if the video image of the same title as the title desired by the viewer has already been reserved by another viewer at a time near the time desired by the viewer" ... the viewer can cancel as in Fig. 4F.

In Kusaba, it is always the viewer who selects the channel at 422 on Figure 4C or 4F until he/she reaches a channel that is available to broadcast from the given starting time and for the given duration of the video.

This has to be contrasted to the present invention where the system provides an indication of the channel available to broadcast the selected video content immediately or with a delay, and wherein the system initiates the broadcast of a selected video content on the channel indicated by the system for immediate or delayed broadcast in correspondence with the user command (selected video content and time).

Hence, Kusaba's system is not adapted for the possibility of live broadcast (i.e. immediate broadcast as stated in Applicant's in claim 1) nor does its scheduler function in the same manner as Applicant's authorization server to provide an indication of an available channel on which the video content is broadcast according to the user's request.

As stated above, Murphy discloses an Internet-based video feed management system. Murphy's system includes access to video, including video-on-demand files, that are downloaded by a customer and delivered through the customer's website and delivery network. Murphy is concerned mainly with a system for sending live video on the Internet (Col. 1, lines 9-10).

Murphy is also concerned with a video-on-demand system, but this is limited to Internet distribution: see for example Figure 6: "Video on Demand: Access to a single video on demand file to be downloaded by customer and delivered through customer website and delivery network". However, in Figure 10 and col. 17, lines 9-40, Murphy also allows for transmitting video content to a head-end of a cable broadband or digital TV system, for broadcast.

As such, Murphy's "video collection" system is useful in the implementation of the instant invention and, indeed, Murphy's Figures 1 and 5 have been incorporated into the disclosure of the invention.

In concluding its argument, the Office Action asserts that it "therefore would have been obvious to one skilled in the art, at the time the invention was made, to use Murphy's teaching in the invention of Kusaba".

However, the Applicant submits that skilled person is not guided by Kusaba's disclosure, which is limited to stored video data, to perceive the usefulness of Murphy's live video collection

in Kusaba's disclosure. Moreover, Murphy's disclosure pertains to video-on-demand only for Internet distribution; Murphy has not recognized the potential for video-on-demand for live videos by TV transmission. Therefore the skilled person has no guidance or incentive to combine the two disclosures and has no reason for combining the disclosures.

Furthermore, Murphy does not cure the defective disclosure of Kusaba as regards the manner of operation of its scheduler. It follows that no combination of the two teachings will arrive at the subject matter of instant claims 1 and 8, because Kusaba teaches that the user must select the channel for broadcast and Murphy contains no teaching that will lead the skilled person to the instant invention where the user transmits an order for a video content to be displayed immediately or with a delay and the system provides the indication of the channel that is available to the user and where the broadcast takes place immediately or with a delay.

Consequently, even if the skilled person were to contemplate combining Murphy's video collection into Kusaba's video distribution apparatus, the combination would result in obtaining an apparatus for distributing Murphy's video collection by Kusaba's system, namely a system in which the user must select the channel for broadcast, not a system according to the invention wherein the user transmits an order for a video content to be displayed and the system provides the indication of the channel that is available to the user and where the broadcast takes place.

The Applicant therefore submits that the claimed invention (system claim 1) could not be derived in an obvious way by the skilled person over the teachings of Kusaba and Murphy, and requests the Examiner to review this ground of objection in the light of the above arguments and to withdraw this ground of objection.

The above arguments apply also to claim 2 where the main video server stores live

broadcasts, recorded videos and video-on-demand.

As regards claim 3, the Applicant acknowledges that digital broadcasting apparatus having a broad bandwidth with several hundreds of channels is known; however, this feature is combined with the inventive features of claim 1 and therefore should be allowable with claim 1. Likewise for claims 4 and 5.

According to Applicant's claim 6, the distribution server is arranged to provide automated selection of a channel available to broadcast, or a partly automated selection assisted by a user command. This feature is not known from Kusaba where channel selection is never automated, but is always purely manual by user actuation.

In more detail, in Kusaba, the user always has to hit the "designate channel" command 422 to select the channel.

Automated and partly automated channel selection in the Applicant's invention is discussed on page 14, lines 1-13. Selection of the channel can be done automatically by the distribution server 350, based on software controlling the allocation of channels as a function of existing orders and predicted future availability of the channels which fluctuates according to demand. However, the user can participate in channel selection, for example the main authorization server 300 provides the user with an indication of several available channels, and the distribution begins when the user selects one of these channels. Thus, in the latter case, it is the system which provides the indication of several available channel (i.e. channels that are free at the designated starting time and remain free for the duration of the selected video content). In contrast, Kusaba provides a "Reservation situation" (Figure 4C), leaving it to the user to calculate if a particular channel is or is not available to broadcast the selected video content.



Thus, Kusaba never provides a partly automated channel selection that is assisted by a user command, as required by Applicant's claim 6.

As regards claim 7, the Applicants processing system (320) and authorization server (300) cooperate to operate the main video server (200) in the novel and inventive manner set out in claim 1, so claim 7 should be patentable for the same reasons as claim 1.

The Applicant submits that method claim 8 is novel and inventive for the same reasons as set out for the main system claim 1 and the dependent claims 9-13 are likewise patentable for the same reasons as given above.

### **Summary**

In view of the above it is believed that the application and all claims are in condition for allowance and a notice to that effect is earnestly solicited

Respectfully submitted,

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